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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,297	03/11/2002	Osamu Kobayashi	P67421USO	1654

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EXAMINER

PATEL, VISHAL A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

10/018,297

Applicant(s)

KOBAYASHI ET AL.

Examin r

Vishal Patel

Art Unit

3676

-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

1. Claim 4 is objected to because of the following informalities: "dealing" should be replaced --sealing--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obata et al (US. 5,860,656) in view of Riesing.

Obata discloses a lip-type high pressure seal comprising an annular metallic casing (19), an annular sealing lip secured to the casing (9), the sealing lip made of a highly gas barrier, non-elastomeric, polymer material; and a secondary sealing lip (10).

Obata fails to disclose the sealing lip having a liner. Riesing disclose a lip seal having a liner made of ptfе. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the sealing lip of Obata to have a liner as taught by Riesing, to reduce friction between the sealing lip and the shaft.

Regarding claims 12-13 (method disclosed by Obata and Riesing):

The method for establishing fluid seal between a housing and a shaft, comprising:

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providing a lip-type seal having an annular sealing lip made from a highly gas barrier, non-elastomeric, polymeric material;

lining the inner circumferential face of the sealing lip with a low friction lining;

installing the lip-type seal between the shaft and the housing in such a manner that only the low friction lining is brought into contact with the shaft;

applying a gas pressure higher (fluid R) than about 3 Mpa to the fluid side of the seal as the shaft and the housing are rotated relative to each other to thereby cause the low friction lining to resiliently follow any shaft run-out under the action of high pressure gas, while substantially preventing permeation (to have gas pressure at about 3Mpa is just a matter of design choice);

the sealing lip causes the low friction lining into tight contact with the outer periphery of the shaft under the action of high-pressure gas to thereby establish a static seal.

Regarding claims 2-3:

Obata and Riesing disclose the claimed invention except the gas permeability coefficient of the lip seal is  $1.0 \times 10^{-13} \text{ cm}^3\text{-cm/cm}^2\text{-sec-pa}$ . Discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to a gas permeability coefficient of the lip seal is  $1.0 \times 10^{-13} \text{ (cm}^3\text{-cm/cm}^2\text{-sec-pa)}$  as a matter of design choice.

4. Claims 2-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obata and Riesing as applied to claim 1 above, and further in view of Holzer (US. 4,750,747).

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Obata and Riesing disclose the invention substantially as claimed above but fail to disclose that the sealing lip is made of polyamide. Holzer teaches to have a lip seal made from elastic material, rubber-elastic material such as ptfе or polyamide. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the sealing lip of Obata to be made of polyamide, since have a sealing lip made of rubber or ptfе or polyamide is art equivalent and only requires routine testing which is with in one having ordinary skill in the art (column 4, lines 55-60 of Holzer).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawaguchi et al, JP 404323235 A, EP 1899842, Andersen et al and Stallings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 309-3179.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** 703-872-9326, for formal communications for entry before Final action: or,  
703-872-9327, for formal communications for entry after Final action.

**For informal or draft communications,** please label **“PROPOSED”** or **“DRAFT”** and fax to: 703-746-3814.

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Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP

March 28, 2003

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight  
Supervisory Patent Examiner  
Tech. Center 3600